

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
26/1145US(0.1)

Total Pages in this Submission  
4

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**PIVOTAL HANDLE FOR TOWABLE BAGGAGE**

and invented by:

Cory O. Nykoluk and David Mittleman

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: 09/705,171

Which is a:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

Continuation    Divisional    Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 20 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

22278 U.S. PTO  
10/688447



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**Application Elements (Continued)**

3.  Drawing(s) (*when necessary as prescribed by 35 USC 113*)
  - a.  Formal Number of Sheets \_\_\_\_\_ 4
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CFR)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(B) Statement (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.*): ER288692865US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

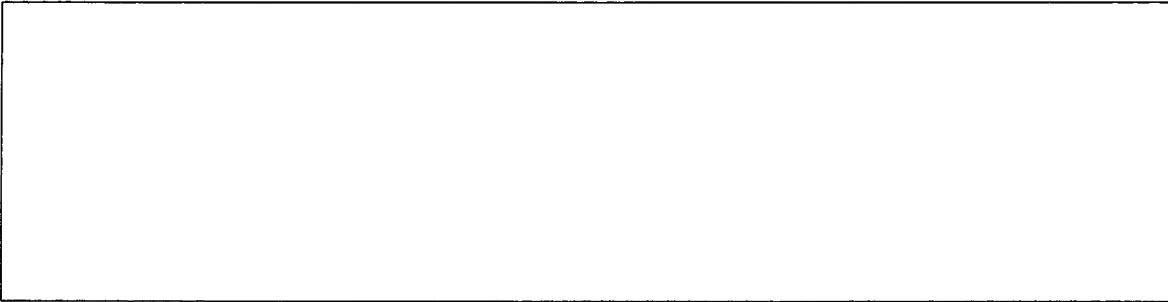
*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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26/1145US(0.1)

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**Accompanying Application Parts (Continued)**

17.  Applicant claims small entity status. See 37 CFR 1.27.  
 (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

18.  Additional Enclosures (*please identify below*):  


**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

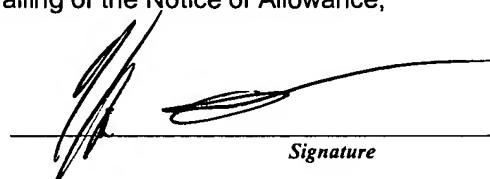
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	22	- 20 =	2	x \$9.00	\$18.00
Indep. Claims	3	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable)		<input type="checkbox"/>			\$0.00
				<b>BASIC FEE</b>	<b>\$385.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$403.00</b>

A check in the amount of \$403.00 to cover the filing fee is enclosed.

The Director is hereby authorized to charge and credit Deposit Account No. as described below.

- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: October 17, 2003



*Signature*

Kirk A. Damman  
Lewis, Rice & Fingersh, LC  
Box IP Department  
500 N 11th Street, Suite 2000  
St. Louis, MO 63102

cc:

16623  
101703  
U.S. PTO

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$403.00

## Complete if Known

Application Number	TBA
Filing Date	October 17, 2003
First Named Inventor	Cory O. Nykoluk, et al.
Examiner Name	TBA
Art Unit	TBA
Attorney Docket No.	26/1145US(0.1)

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non - English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
Total Claims 22 -20** = 2 X 9.00 = 18.00			
Independent Claims 3 - 3** = 0 X 43.00 = 0.00			
Multiple Dependent			
Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (1) (\$)	\$385.00		
Extra Claims	Fee from below	Fee Paid	
Total Claims 22 -20** = 2 X 9.00 = 18.00			
Independent Claims 3 - 3** = 0 X 43.00 = 0.00			
Multiple Dependent			
Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)	Fee Description	
1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Statement	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (2) (\$)	\$18.00		
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## Complete (if applicable)

Name (Print/Type)	Kirk A Damman	Registration No. (Attorney/Agent)	42,461	Telephone	314-444-7783
Signature			Date	October 17, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Cory O. Nykoluk and David Mittleman**

Docket No.

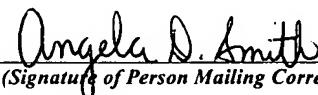
**26/1145US(0.1)**Serial No.  
**TBA**Filing Date  
**October 17, 2003**Examiner  
**TBA**Group Art Unit  
**TBA**Invention: **PIVOTAL HANDLE FOR TOWABLE BAGGAGE**

I hereby certify that the following correspondence:

Preliminary Amendment, Utility patent application (20 pgs, 4 drawing sheets), utility patent application transmittal, fee transmittal, ck# 13827 (\$403), copy of POA, copy of executed declaration, copy of Revocation POA, certificate of express mailing and acknowledgment p/c

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 17, 2003*(Date)*Angela D. Smith*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*ER288692865US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**